To FCC:

The FCC Radiofrequency/Microwave (RF/MW) Radiation Public Exposure Guideline was produced not in 1996 as often claimed, but rather in 1990-1991; this by an IEEE-ANSI Committee lacking any public health science expertise. This Committee, under the direction of weapons manufacturer Raytheon career employee John Osepchuk PhD, produced the Guideline in SCIENTIFIC FRAUD.

I have proven the Committee's fraud quantitatively in public in Dr. Osepchuk's presence on several occasions, including 2 February 1998: he has never disagreed with my finding. Specifically, in 15 instances, the ~120 studies the Committee chose to establish what it called the "Hazard Threshold" in fact concluded biological harm at Specific Absorption Rates (SARs) lower than the Threshold, disproving the Threshold. Furthermore, in 3 instances, the Committee's chosen studies concluded biological harm at SARs less than 10% of the Threshold. The FCC Guideline to this day is based on the fraudulent Hazard Threshold of 1991, rubber-stamped in 1996.

The U.S. has never had a Standard for Public Exposure to RF/MW Radiation, but needs one. Only experts in Environmental Health Science – Toxicology and/or Epidemiology – qualify under the Supreme Court Daubert Rule to analyze the voluminous scientific literature on RF/MW Radiation bioeffects. Given the 2021 remand by the D.C. Circuit Court of Appeals to FCC to remake the Guideline; and given the need for a Standard; it is high time to convene a truly expert panel to review the scientific literature and produce a Standard at last.

In the meantime, all new wireless facility placement, construction and modification must be halted; and the operations of extant facilities confirmed as firmly under the authorities of state and local officials, as Congress clearly intended in its 1995-1996 in the enactment of the Telecommunications Act. State and local officials need to be warned that the Guideline was never adequate, and that a Standard will be forthcoming.

The MAHA Commission Executive Order requires the study of potential contributing causes chronic disease, including from "electromagnetic radiation." In fact, all living beings in the U.S. are suffering health decrement due to FCC's fraudulent actions, purposed to excessively expose humans and Nature to RF/MW, infrared and visible-light radiation in bodily and privacy violations. FCC rule-making now needs to become consistent with that Executive Order.

The original Titles of the Communications Act of 1934 must be kept as they were originally codified, with the separation of Titles I and II. Any conflation of these Titles in FCC Rules, brazenly intended to contradict that Congressional Act in order to allow wireless facilities to function within both Titles, have produced fraudulent contracts for the placement, construction, modification and operations of such facilities; and, in view of such fraud, any and all such facilities must be quickly identified and immediately removed.

Moreover, since most wireless facilities are being used for purposes other than the contracted communications; e.g., for weather monitoring and modification, any such extraneous operations must be at once halted by a new FCC Rule.

The following Rules must be deleted in their entirety:

- Small Cell Order - Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Inv.,33 FCC Rcd. 9088 (2018)**[1]**
- Moratoria Order - Declaratory Ruling in Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Inv., 33 FCC Rcd. 7705, 7775–91 (2018) **[2]**
- One-Touch Make Ready Order – Third Report and Order in Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Inv.,33 FCC Rcd. 7705, 7705–91 (2018)**[3]**
- Middle Class Tax Relief Act, Section 6409 initial rules 2014 **[4]** - expand perimeter around a tower 6 feet in diameter

- Middle Class Tax Relief Act, Section 6409 expansion 2020 [5] - expand perimeter around a tower 30 feet in diameter
- NEPA 1986 satellite categorical exclusion[6]

2. For the 1996 rule promulgating RF limits,[7] the FCC should issue an interpretive rule clarifying that these limits (a) only provide a regulatory safe harbor with respect to Section 704(c)(7) for the siting of wireless facilities and (b) do not provide a safe harbor for, and are not preemptive of, state-based claims regarding, product liability or property rights.

3. In **47 C.F.R. Section 1.4000**, also known as the Over-the-Air-Transmitting-Devices (OTARD), delete references to "fixed wireless signals:"

Respectfully submitted,

Susan Clarke MM, ENvironmental Health Advocacy League (ENHALE)

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[1]https://www.fcc.gov/document/fcc-facilitates-wireless-infrastructure-deployment-5g

[2]https://www.fcc.gov/document/fcc-speeds-access-utility-poles-promote-broadband-5g-deployment-0

[3]https://www.fcc.gov/document/fcc-speeds-access-utility-poles-promote-broadband-5g-deployment-0

[4]https://www.fcc.gov/document/wireless-infrastructure-report-and-order

[5]https://www.fcc.gov/document/fcc-streamlines-local-approval-wireless-structure-modifications-0

[6] Federal Register at page 14999 **https://www.govinfo.gov/content/pkg/FR-1986-04- 22/pdf/FR-1986-04-22.pdf**

[7]https://www.fcc.gov/document/guidelines-evaluating-environmental-effects-radiofrequency